

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF NEW JERSEY

3  
4 UNITED STATES OF AMERICA,

5 Plaintiff,

CIVIL ACTION NO.:  
2:09-cv-01303-SDW-LDW

6 -vs-

7 MATTHEW HULL, MICHELE C.  
HULL, and AARON HULL,

TRANSCRIPT  
OF  
\*\*ORDER TO SHOW CAUSE\*\*

8 Defendants.

9 Pages 1 - 19

10 United States District Court of New Jersey  
11 50 Walnut Street, Newark, New Jersey 07101  
12 Thursday, March 1, 2018  
Commencing at 11:14 a.m.

13 **B E F O R E:**

14 **THE HONORABLE SUSAN D. WIGENTON,**  
15 **UNITED STATES DISTRICT JUDGE**

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21 Certified as True and Correct as required by Title 28,  
22 U.S.C., Section 753

23 /S/ Joanne L. Sekella, RMR, CCR, CRCR, RPR

24 Joanne L. Sekella, Official Court Reporter  
25 (908) 310-1177  
sekella@gmail.com

## 1 A P P E A R A N C E S:

2 UNITED STATES ATTORNEY'S OFFICE  
3 CRAIG CARPENITO, UNITED STATES ATTORNEY  
4 BY: MICHAEL E. CAMPION, CHIEF, CIVIL RIGHTS UNIT  
5 JORDAN MILOWE ANGER, ASST. UNITED STATES ATTORNEY  
6 970 Broad Street  
7 Suite 700  
8 Newark, New Jersey 07102  
9 (973) 645-2700  
10 michael.campion@usdoj.gov  
11 jordan.anger@usdoj.gov  
12 For the Government

13 ROBBINS AND ROBBINS LLP  
14 BY: SPENCER B. ROBBINS, ESQUIRE  
15 568 Amboy Avenue  
16 Woodbridge, New Jersey 07095  
17 (732) 636-1600  
18 xmuss@aol.com  
19 For the Defendant  
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24  
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1 THE DEPUTY CLERK: All rise.

2 (PROCEEDINGS held in open court before The Honorable  
3 SUSAN D. WIGENTON, United States District Judge, at  
4 11:14 a.m.)

5 THE COURT: Good morning, everyone. You're welcome  
6 to have a seat in the back. We'll go on the record.

7 This is the matter of *United States vs. Hull, et al.*  
8 It's under Docket No. 09-1303.

9 And, counsel, you may enter your appearances, please.

10 MR. CAMPION: Michael Campion for the United States,  
11 your Honor.

12 THE COURT: Good morning.

13 MR. CAMPION: Good morning.

14 MR. ANGER: Jordan Anger for the United States, as  
15 well, your Honor.

16 THE COURT: Good morning, Mr. Anger.

17 MR. ANGER: Good morning to you, your Honor.

18 MR. ROBBINS: Spencer Robbins of Robbins & Robbins  
19 representing the Hulls.

20 THE COURT: All right. And good morning to you,  
21 Mr. Robbins, as well.

22 MR. ROBBINS: Good morning.

23 THE COURT: All right. So, counsel, this matter was  
24 set down as a result of the Government's request for an Order  
25 to Show Cause as to why the defendants should not be held in

1 contempt for failing to comply with this Court's November 30,  
2 2017, Order. And I have read the submissions that have been  
3 provided to the Court, including the submission filed by you,  
4 Mr. Robbins, dated yesterday, February 28th, which is Document  
5 No. 121.

6 So I'll hear from the Government first, Mr. Campion  
7 or Mr. Anger, and then I'll hear from Mr. Robbins.

8 MR. CAMPION: Good morning, your Honor.

9 THE COURT: Good morning.

10 MR. CAMPION: The Government's position is very  
11 straightforward. Your Honor issued a lawful Order on  
12 November 30, 2017. Defendants were served with the Order, and  
13 the defendants have failed to comply with the Order.

14 Your Honor ordered that the defendants take the final  
15 administrative tasks in executing the settlement agreement, an  
16 Order that they do so within 30 days of November 30, 2017.

17 The United States followed up multiple times with  
18 counsel for the defendants and received no response, and the  
19 first we heard of anything from defendants was yesterday.

20 THE COURT: So. So tell me this. You read what he  
21 wrote yesterday, right?

22 MR. CAMPION: Yes, your Honor.

23 THE COURT: All right. So what's your thought about  
24 that?

25 MR. CAMPION: Your Honor, this submission raises

1 irrelevant and frivolous arguments. The arguments are  
2 frivolous in that to the extent they are trying to relitigate  
3 the merits of this case, this case was fully litigated. Your  
4 Honor, approximately five years ago, ruled in favor of the  
5 United States on summary judgment as to the ownership of the  
6 previously disputed road.

7 Defendants moved to reconsider your Honor's opinion  
8 and Order. Your Honor ruled again in favor of the United  
9 States and ordered the remaining issues to go to trial on the  
10 issue of damages and the exact type of ownership of the road.

11 At that point, Judge Arleo, who was then a magistrate  
12 judge, held a separate conference, and the parties reached a  
13 settlement which defendants, on the record, agreed to. They  
14 agreed that the settlement was full and fair and that they  
15 were satisfied with the representation of their counsel.

16 The settlement required two administrative tasks.  
17 One was, at the United States's expense, United States would  
18 have a survey done.

19 THE COURT: Which you did, right? 2014.

20 MR. CAMPION: We did, yes.

21 THE COURT: Right.

22 MR. CAMPION: Approximately four years ago. We  
23 provided the survey to defendants four years ago. We've  
24 received no specific substantive objections to the survey in  
25 that time.

1 THE COURT: Okay.

2 MR. CAMPION: There was one objection about whether  
3 the survey was signed and sealed, and, as per e-mail  
4 communications that we've attached in some of our previous  
5 submissions to the Court, defendant's counsel apologized for  
6 not noticing that the survey was signed and sealed.

7 THE COURT: Because it was mentioned again in this  
8 most recent letter.

9 MR. ROBBINS: I wasn't the one representing them at  
10 the time, your Honor.

11 THE COURT: I'm sorry?

12 MR. ROBBINS: I wasn't representing them at the time  
13 that the original issues were --

14 THE COURT: I got you. Okay, sure.

15 MR. CAMPION: But, nonetheless, we provided a signed  
16 and sealed survey which was admitted to by defendant's counsel  
17 at that time. And we still have a signed and sealed survey.

18 THE COURT: But I'm saying Mr. Robbins's letter dated  
19 yesterday says, "Worley's survey was sent unsigned and without  
20 a raised seal."

21 MR. CAMPION: That is factually inaccurate.

22 THE COURT: Okay. I'm just saying. You're saying --  
23 Mr. Robbins is saying, "I didn't represent them at the time,"  
24 and I'm like, your letter says it yesterday. So that's,  
25 apparently, an inaccuracy. We'll say it that way.

1 All right. Continue.

2 MR. CAMPION: And so, without any objection at that  
3 time, we again had to raise the matter to the Court when the  
4 defendants had placed some obstructions in the road, which  
5 your Honor had ruled was United States property. Your Honor  
6 again ruled in favor of the United States and ordered that the  
7 defendants comply with the settlement.

8 And they have failed to do so within the timeframe  
9 set by the Court, and they have provided no explanation as to  
10 why they did so until yesterday, which raises frivolous and  
11 inaccurate arguments. And we, therefore, regrettably, must  
12 ask the Court to find that the defendants are in civil  
13 contempt of court.

14 THE COURT: All right. Very well. Thank you,  
15 Mr. Campion.

16 Mr. Robbins?

17 MR. ROBBINS: First of all, my clients are just  
18 regular people. How do I put this, your Honor. My clients  
19 are regular, down-to-earth people. They're in the excavation  
20 business, and they bought properties with regard to it.

21 I started representing them latter part of 2017. I'm  
22 not contemptuous with regard to it. And, frankly, I haven't  
23 had a chance to meet with them in the last month because I've  
24 been out or in trial. And so part of that has been that  
25 problem.

1           So that there's no inaccuracy, I've never seen a  
2 signed survey, sealed survey. That's the information I have.  
3 I wasn't able to get the file from the previous counsel from  
4 five years ago. I guess they were happy to get out of the  
5 case, and I wasn't informed of the information.

6           I get involved with this case, your Honor -- my  
7 clients come in because I represented them on some other  
8 matter and they tell me what occurred -- or tell me that they  
9 don't understand any of the things that have happened.

10           And so I filed motions and for -- the first thing I  
11 did, your Honor, and I presented it, and I understand your  
12 ruling with regard to it, so it just -- the idea is to be, to  
13 me, are they contemptuous with regard to this.

14           So I approached it as if, well, who owns the  
15 property? Let me get my top surveyor -- I'm sorry -- expert  
16 with title, a guy named Joe Grabas from a company called  
17 Trident Abstract. And I said, you know what, could you just  
18 tell me what's going on with regard to it, who owns this  
19 property?

20           And I had asked my clients if they had ever had an  
21 expert retained before. They tell me no. So I said, okay,  
22 and we were given time in which to do it. And so I go out and  
23 get the expert.

24           And then there was a conference before -- and I don't  
25 recall the judge.



1 THE COURT: Wettre.

2 MR. ROBBINS: Yes. And so she called us in with  
3 regard to it and, fortunately or unfortunately, I learn that  
4 this case had been decided five years ago, because my clients  
5 aren't even understanding of that with regard to it.

6 So I filed my motion with regard to it to say, wait a  
7 minute, how can this be the Government's property when I have  
8 an expert who went back to 1810 and went through every little  
9 thing with regard to it?

10 Now, I'm not -- don't get me wrong, Judge. I'm not  
11 arguing. I'm not being disrespectful. I know you made a  
12 decision with regard to it. But it's my only understanding of  
13 the case, and their only understanding of the case, as to what  
14 happened.

15 So they buy a piece of property which there was no  
16 issue on, no title issue problem when they bought it. And  
17 now, all of a sudden, they don't own a road, a dirt road that  
18 nobody uses because the only access that the dirt road would  
19 give is to the rest of the property because nobody goes  
20 through it. There's roads around it.

21 And so that's -- the understanding is that we have  
22 this expert who says that anything happens different, if you  
23 sign anything, it's going to cloud the title to the property.

24 They tell me about a survey with regard to  
25 unsigned -- I have not seen a signed survey, a sealed survey.

1 I haven't seen a survey. Otherwise I would give it to my  
2 expert.

3 In fact, I have gone back to the expert, Joe Grabas,  
4 and said, Could you tell me what I -- we should be doing with  
5 regard to this to understand it, so I can get back to my  
6 client, who I haven't really spoken to in a while because I've  
7 been out in trials or out sick or whatever it was for the last  
8 month.

9 So they're not contemptuous. I just have to explain  
10 to them, which I'm unable to, as to what occurred or how this  
11 occurred or how it is that they don't own the property or --  
12 and how it's going to affect their property, and how they're  
13 going to affect whatever it is, because now there's a -- some  
14 issue on the property on a road that doesn't -- that nobody  
15 uses. Nobody's ever used it for a --

16 THE COURT: Let me just -- let me just interrupt you,  
17 Mr. Robbins. And I don't doubt anything that you're saying,  
18 and I understand that you are very late to this litigation.

19 MR. ROBBINS: Yeah.

20 THE COURT: But you can't relitigate it. And that  
21 was sort of what we addressed back in November. So I'm not  
22 sure why we're here now in March --

23 MR. ROBBINS: Because --

24 THE COURT: -- still talking about it. Honestly, I  
25 don't know why we're still talking about it. Because I think

1 I've been clear in several opinions now exactly what is  
2 supposed to happen.

3 So all I want to hear from you is where do we go now.

4 MR. ROBBINS: Well, I'll tell you where we go now,  
5 your Honor.

6 THE COURT: Because you understand what they're  
7 asking for?

8 MR. ROBBINS: I understand.

9 THE COURT: Okay.

10 MR. ROBBINS: What I had planned to do is to meet  
11 with my client and the expert, Joe Grabas, next week with  
12 regard to it so that it can be explained. And then we'd have  
13 to sign whatever there is, Judge, because I understand that  
14 it's not going to be litigated or anything --

15 THE COURT: Well, that's my point. So I'm not sure  
16 what this whole meeting with the expert is. Maybe that's for  
17 the benefit of your clients?

18 MR. ROBBINS: And for me, your Honor, because --

19 THE COURT: Okay.

20 MR. ROBBINS: -- it's a matter of --

21 THE COURT: Because it's not -- whatever the expert  
22 says that does not comport with what the history of the case  
23 is and what my decisions are is irrelevant for my purposes.

24 MR. ROBBINS: It's -- it's -- my issue, Judge,  
25 what -- what -- they have a number of questions and a number

1 of issues with regard to it -- why didn't they get money, why  
2 didn't they -- and so I need him in there to go over it and  
3 have them to sign it so that it's a -- a meeting of minds as  
4 to what it is; that, you know what, I'm Johnny come lately;  
5 I'm six years after the whole thing, didn't know any of those  
6 things, and that's where it is.

7 And then I'm going to sit down and have a lengthy  
8 discussion, and they're going to have to end up signing the  
9 settlement agreements with regard to it. If there's a --

10 THE COURT: Or they won't. And that's --

11 MR. ROBBINS: And if there's a particular problem  
12 with one of those surveys that we didn't realize, or that  
13 we've -- that there is, I'll ask for another copy because I  
14 haven't seen the one.

15 THE COURT: You can get it today, I'm sure.

16 MR. ROBBINS: That's fine. And if you had said to  
17 me --

18 THE COURT: While you're here. They'll give it to  
19 you today.

20 MR. ROBBINS: Then I'm going to go through it. I  
21 promised that that's what I would do. I've just been not  
22 available for the last month to do it because --

23 THE COURT: But you've got to communicate that.

24 MR. ROBBINS: Judge, I've been in trials, and I  
25 thought there would be somebody else to take over my office.

1 It wasn't. And, frankly, realized all the things behind.

2 Matter of fact, it's the first clear day that I  
3 had -- actually, didn't -- so I wrote with regard to it to  
4 tell you, you know what, part of the problem isn't them, it's  
5 me to try to figure out what happened, what it was.

6 And you tell me this, this is what happened. It's --  
7 we're too late with regard to it. It's all these different  
8 things to try to figure out, hey, this is what you have, what  
9 are your further actions with regard to it. And that's what  
10 it is, Judge.

11 So it's not any contemptuous. They're relying on  
12 upon me to tell --

13 THE COURT: Well, no, it is contemptuous. No, no.  
14 It is contemptuous because there was an Order that was issued  
15 November 30th that said there were 30 days. So to the extent  
16 that that could be not be fulfilled, there should have been  
17 communication with your adversary.

18 I don't care why, I don't care who was supposed to do  
19 whatever, but that should have been communicated. We should  
20 not be here wasting the Court's time and everybody else's time  
21 addressing something that has already been addressed.

22 I will say this, and I want to be very clear. We're  
23 not going to keep doing this. All right? This is a 2009 case  
24 that is closed for the Court's purposes.

25 And it's as simple as this: I'll give you another

1 30 days.

2 MR. ROBBINS: That's fair.

3 THE COURT: Does that sound reasonable?

4 MR. ROBBINS: That's very reasonable.

5 THE COURT: All right. Gives you another 30 days to  
6 get it addressed. If it is not completed, because it appears  
7 that maybe there's some real disconnect in your clients'  
8 understanding -- and I'm not suggesting they're not  
9 hardworking, honest people who are truly confused. But this  
10 is a process, and this is a process whereby appeals have not  
11 been filed.

12 So the fact that we entertained the last motion for  
13 reconsideration, which was years after the decision, was as a  
14 courtesy. And the Court wrote on it and -- because it was a  
15 courtesy to hopefully get them to a place of understanding.

16 But I want to be very clear. That is done, and we're  
17 not doing that anymore. And I'm sure you understand as  
18 learned counsel, Mr. Robbins, what the penalties are. So this  
19 is not just going to be where we just keep coming back and  
20 forth and they still have questions, they're not sure. It  
21 doesn't work like that.

22 Contempt will result in some type of serious sanction  
23 and/or penalty, which could even include incarceration, which  
24 I'm sure they don't want nor do we want to impose that. But  
25 it's not going to go on and on ad infinitum without some type

1 of resolution.

2 So 30 days. Today is March 1st. Let's say  
3 March 31st, by March 31st, that this is to be resolved in its  
4 entirety. We're not coming back to the Court for issues.

5 And if there is anything that needs to still be  
6 addressed because they will not sign, et cetera, then what I  
7 will direct you, Mr. Campion and Mr. Anger, is to just  
8 reiterate that to the Court, file it again as an Order to Show  
9 Cause, but we won't have the discussion at that time. All  
10 right? Because I want to make sure that it's clear, as we  
11 stand here today, what the outcome will be. All right?

12 You guys are standing. You're both standing.

13 MR. ANGER: Well, you asked us a question. We're  
14 just going to say yes and sit down.

15 THE COURT: Okay.

16 MR. CAMPION: If I could add one thing, your Honor?

17 THE COURT: Sure.

18 MR. CAMPION: With respect to the survey, I will just  
19 note for the Court that they've had the survey for four years.  
20 To raise an objection now where we see -- where they have  
21 failed to raise one for four years, it -- we don't see it  
22 being a valid objection.

23 THE COURT: Yeah. And this is in Mr. Robbins'  
24 defense. I'm assuming they haven't given it to you,  
25 Mr. Robbins?

1 MR. ROBBINS: And the prior attorney. In fact, I'm  
2 aware that there's supposedly a report from a Holenstein which  
3 was submitted and said these are the problems with regard to  
4 it.

5 So I've been advised that that, along with things --  
6 I mean, I've had a lot of conversations with the expert, and  
7 so that's the information I have. I don't have the files from  
8 the previous -- they weren't cooperating --

9 THE COURT: But the beauty of this, the beauty of  
10 this, Mr. Robbins, and I'm sure you've been around the block  
11 enough to know, is call your adversary.

12 The other attorney obviously is not cooperating.  
13 They're not interested in being any part of this any longer.  
14 Call your adversary, who's trying to reach out to you to  
15 resolve it. Clearly, they have the survey. And so if you  
16 don't have the survey -- we believe the Hulls have been  
17 provided the survey and they had it. Certainly their prior  
18 counsel has it.

19 But if there is some dispute, just like, you know,  
20 these disputes that were raised before like that there somehow  
21 was no resolution, which clearly there had been. And you know  
22 clients have a tendency, they have a certain perception and  
23 understanding of how things took place which don't comport  
24 with reality at all. That's just the nature of the practice  
25 of law, and it happens every day.



1           So what I'll do, Mr. Campion, is just ask you as a  
2           courtesy to just provide Mr. Robbins with a copy of the 2014  
3           survey so that he has it and so whatever these discussions are  
4           that he's had with his clients that it does not exist or  
5           nobody's ever seen it, we can put those to bed.

6           MR. CAMPION: Yes, your Honor.

7           THE COURT: All right?

8           MR. CAMPION: We will provide that today.

9           THE COURT: Okay.

10           So they will give that to you today, Mr. Robbins.  
11          Okay?

12           MR. ROBBINS: Thank you.

13           THE COURT: All right. So we will -- I'll ask you  
14           that, once again, if you have not received a signed copy of  
15           all the documents, Mr. Campion, then just bring that to my  
16           attention and we will reschedule the Order to Show Cause.

17           So for today's purposes I will deny it, but with the  
18           understanding it's without prejudice to be raised going  
19           forward if it is not signed by March 31st.

20           So you can just put that in a form of order so that  
21           the record will accurately reflect what we did here today.

22           MR. CAMPION: Thank you.

23           THE COURT: Okay. Questions?

24           MR. ROBBINS: I think my father used to always say --  
25          I practiced with him -- it wouldn't be a bad business if we

1 didn't have to have clients.

2 THE COURT: I know. See? But we wouldn't have  
3 business.

4 MR. ROBBINS: That's what he would say.

5 THE COURT: Okay. So all right. You guys have a  
6 wonderful day. Thank you so much for being here.

7 MR. CAMPION: Thank you, your Honor.

8 THE COURT: And I'll look for that Order from you,  
9 Mr. Campion. Just make sure Mr. Robbins has seen it.

10 And Mr. Robbins will communicate, trial or no trial,  
11 sickness or no sickness.

12 MR. ROBBINS: Yes, your Honor.

13 THE COURT: For better or for worse. Amen.

14 MR. ROBBINS: I'm not married to him, Judge.

15 THE COURT: All right. Good. All right. Have a  
16 great day.

17 THE DEPUTY CLERK: All rise.

18 (The proceeding is adjourned at 11:31 a.m.)  
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FEDERAL OFFICIAL COURT REPORTER'S CERTIFICATE

I, **Joanne L. Sekella, CCR, CRCR, RMR**, Official Court Reporter of the United States District Court for the District of New Jersey, do hereby certify that the foregoing proceedings are a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place, and on the date hereinbefore set forth.

I further certify that I am neither related to any of the parties by blood or marriage, nor do I have any interest in the outcome of the above matter.

/S/ Joanne Sekella, CCR, CRCR, RPR, RMR

March 12, 2018

Official Court Reporter

Date